

FISCAL NOTE

SB 2415 - HB 2517

February 28, 2000

SUMMARY OF BILL:

- 1) Prohibits state and local law enforcement officers from engaging in racial profiling and requires state and local law enforcement agencies to adopt written policies by January 1, 2001 prohibiting the stopping, detention or search of any person solely motivated by consideration of race, color or ethnicity.
- 2) Beginning January 1, 2001, requires state and local law enforcement officers to record on a form developed by the Comptroller information on the number of persons stopped for traffic violations; their race, color, ethnicity, gender and age; the nature of the violation that resulted in the stop; whether a warrant or citation was issued, an arrest made or search conducted; the legal basis for any search and whether and what contraband was discovered. Requires such information be reported to the Comptroller beginning April 1, 2001.
- 3) Provides that a police officer who records stop information in good faith as required shall not be held civilly liable unless the officer's conduct was unreasonable or reckless.
- 4) Authorizes the Comptroller to order an appropriate penalty in the form of withholding state funds from agencies that do not comply with provisions of this act.
- 5) Requires the Comptroller to review, within existing appropriations, the prevalence and disposition of traffic stops and complaints reported and report to the Governor, the General Assembly, and the Tennessee Legislative Black Caucus the results of such review by January 1, 2003.
- 6) Requires Comptroller to develop and promulgate two forms in printed and electronic format: one form to be used by officers to record the required information and one form to be used to report complaints by people who believe they have been subjected to a traffic stop solely on the basis of race, color, ethnicity, age or gender.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$201,200 Recurring
 \$140,000 One-Time**

Increase Local Govt. Expenditures* - Exceeds \$100,000

Assumes:

- in FY 1998-99 law enforcement officers in the Department of Safety issued approximately 377,000 citations and 24,000 written warnings.
- 8 administrative positions in the Department of Safety at \$171,200 for salary and benefits.

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- one-time expenditures of \$40,000 for computers and office furnishings and recurring expenditures of \$10,000 for office supplies and other administrative expenses for Safety personnel.
- one-time expenditures of \$100,000 for development of database program to track and compile required data and recurring expenditures of \$20,000 for maintenance of the database.
- bill requires the Comptroller's office to conduct the required review within existing resources.
- local governments will experience an increase in expenditures for the administrative costs to local law enforcement agencies associated with compiling the required data including additional personnel and computer system updates. This increase is estimated to exceed \$100,000 statewide.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director